

Andrew Mitchell, WSBA #30399  
MITCHELL & MITCHELL PLLC  
1710 N. Washington Street, #200  
Spokane, WA 99205  
Telephone: 509.315.9890  
Facsimile: 509.315.9891  
[amitchell@mitchell-lp.com](mailto:amitchell@mitchell-lp.com)

*Attorneys for Defendant*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAGERS, PENNY & WADE,	)	No. 2:25-cv-00052
	)	
Plaintiffs,	)	<b>PETITION FOR REMOVAL TO</b>
	)	<b>FEDERAL COURT</b>
vs.	)	
	)	
WASHINGTON EASTERN	)	<b>(CLERK'S ACTION REQUIRED)</b>
RAILROAD LLC, JAGUAR	)	
TRANSPORT HOLDINGS, LLC,	)	
DOES 1-10, and ABC COMPANIES	)	
1-10,	)	
	)	
Defendants.	)	

**TO THE CLERK OF THE ABOVE CAPTIONED COURT:**

PLEASE TAKE NOTICE THAT Washington Eastern Railroad LLC, and Jaguar Transport Holdings, LLC (hereinafter collectively "Washington Eastern RR") hereby removes to this Court the State action described below:

**PETITION FOR REMOVAL TO FEDERAL COURT (CLERK'S ACTION REQUIRED)**  
**PAGE - 1**

1 This case concerns allegations of Plaintiffs' alleged losses and damages  
2 occurring on or about February 2, 2022, in the County of Lincoln, State of  
3 Washington.  
4

5 On January 29, 2025, plaintiffs filed a Complaint in the Superior Court of the  
6 State of Washington, Spokane County under Cause Number 25-2-00510-32. The  
7 Complaint was served upon Washington Eastern RR registered agent in the State of  
8 Washington, CT Corporation System (Olympia) on February 6, 2025, at 12:32 p.m.  
9 This Petition for Removal is timely under the applicable rules.  
10  
11

12 This Petition for Removal is being filed following service against Washington  
13 Eastern RR pursuant to 28 U.S.C. §1441(a) and is based upon 28 U.S.C. §1331  
14 (federal question) and 28 U.S.C. §1441(b) (removal based upon diversity of  
15 citizenship) and 28 U.S.C. §1332(a) (diversity of citizenship).  
16  
17

18 Pursuant to 28 U.S.C. §1331, this Court has original jurisdiction of any civil  
19 action arising under the Constitution, laws, or treaties of the United States. Plaintiffs  
20 allege claims against a railroad. Railroad operations, obligations and duties are  
21 determined solely by reference to federal statute and regulation. This Court has  
22 supplemental jurisdiction over any state law claims pursuant to 28 U.S.C. §1367(a).  
23  
24  
25  
26  
27  
28

1 Pursuant to 28 U.S.C. §1332(a), the United States District Court has  
2 jurisdiction over suits involving citizens of different states and wherein the amount  
3 in controversy exceeds \$75,000.00.  
4

5 Washington Eastern RR is a corporation formed under the Laws of the State  
6 of Utah and maintains its' principal place of business in Joplin, Missouri. Jaguar  
7 Holdings LLC is a corporation formed under the laws of Delaware and maintains  
8 its' principal place of business in Joplin, Missouri. Plaintiffs are both residents and  
9 citizens of the State of Washington. Thus, this suit involves citizens of different  
10 states.  
11  
12

13 By filing in Superior Court, plaintiffs have represented in the State Court  
14 action that the amount in controversy is over \$100,000.00. Thus, the amount in  
15 controversy exceeds \$75,000.00.  
16  
17

18 Venue in the Eastern District of Washington at Spokane is proper as this is  
19 the judicial district in which the alleged occurrences leading to this action arose.  
20

21 Thus, the requirements of 28 U.S.C. §1331 are met and this Court has  
22 diversity jurisdiction over this matter.  
23

24 Washington Eastern RR expressly reserves all rights and defenses, and this  
25 Petition is made without waiver of any defenses Washington Eastern RR may have  
26 or be entitled to have with respect to the allegations contained within the Complaint.  
27

1 Pursuant to 28 U.S.C. §1446(a), a copy of the State Court action is attached  
2 hereto.  
3

4 Pursuant to 28 U.S.C. §1446(b)(1), this Petition is filed within thirty days of  
5 service of the State Court action upon Washington Eastern RR and is timely under  
6 the statute.  
7

8 Pursuant to 28 U.S.C. §1446(d), Washington Eastern RR has filed a Notice  
9 to the Superior Court of the State of Washington, Spokane County of removal to the  
10 above-captioned Court.  
11

12 Pursuant to 28 U.S.C. §1446(d), Washington Eastern RR has provided notice  
13 to counsel for plaintiffs of removal to the above-captioned Court by service of both  
14 this Petition and the State Court notice filing.  
15

16 DATED this 13<sup>th</sup> day of February 2025.  
17

18 MITCHELL & MITCHELL PLLC

19 By: s/ Andrew Mitchell

20 Andrew Mitchell, WSBA #30399

21 1710 N. Washington St., #200

22 Spokane, Washington 99205

23 (509) 315.9890 / F: (509) 315.9891

24 [amitchell@mitchell-lp.com](mailto:amitchell@mitchell-lp.com)

25 Attorneys for Defendants Washington Eastern RR  
26 And Jaguar Transport Holdings  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of February 2025, I electronically filed the preceding pleading with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

William C. Maxey, WSBA 6232	<u>X</u>	HAND DELIVERED
Mark J. Harris, WSBA 31720	<u>X</u>	EMAIL
Maxey Law Offices, PLLC		
1835 W. Broadway Avenue		
Spokane, WA 99201		

Further, I hereby certify there are no non-CM/ECF participants upon whom service is required in this matter.

s/ Andrew Mitchell  
Andrew Mitchell

419040